

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Shawnathan Fort,

Case No.3:24-cv-124-JGC

Plaintiff,

v.

**ORDER**

Den Debra Parter *et al.*,

Defendants.

This is a civil rights case under 42 U.S.C. § 1983.<sup>1</sup> *Pro se* Plaintiff Shawnathan Fort, an Ohio inmate, filed a civil complaint on January 22, 2024. (Doc. 1). He did not pay the filing fee. Instead, he filed a motion to proceed *in forma pauperis*. (Doc. 2.).

I dismiss Plaintiff's lawsuit in accordance with 28 U.S.C. § 1915(g), which prohibits a prisoner from bringing a civil action or appealing a judgment in a civil action *in forma pauperis* "if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." Plaintiff has not alleged facts reasonably suggesting he is in "imminent" danger of serious physical injury.

In addition, he has now, on at least three prior occasions while incarcerated or detained, filed a civil action that the court dismissed on grounds of frivolousness, maliciousness, or failure to state claim upon which relief may be granted. *See Fort v. Motuza*, No. 1:23-cv-1527 (N.D.

---

<sup>1</sup> Plaintiff also alleges violations of the Racketeer Influenced and Corrupt Organizations Act, the Ohio Uniform Trade Secret Act, the Rehabilitation Act of 1973, and the "IDEA" (presumably, the Individuals with Disabilities Education Act under federal or Ohio law). (Doc. 1, pgID 3).

Ohio Nov. 11, 2023); *Fort v. Chambers-Smith*, No. 3:23-cv-739 (N.D. Ohio Feb. 16, 2024); *Fort v. Layson*, No. 3:23-cv-1963 (N.D. Ohio Feb. 14, 2024). In light of these prior dismissals, Plaintiff is foreclosed from proceeding *in forma pauperis*.

Accordingly, I deny Plaintiff's application to proceed *in forma pauperis* (Doc. No. 2), and I dismiss this action without prejudice pursuant to the three-strikes rule set out in 28 U.S.C. § 1915(g). If plaintiff wishes to pursue this action, he must pay the full \$405.00 filing fee and file a motion to re-open the case within 30 days of the date of this order.

It is, therefore, ORDERED THAT:

1. Plaintiff's application to proceed *in forma pauperis* (Doc. 2) be, and the same hereby is, denied.
2. Plaintiff's Complaint (Doc.1) be, and the same hereby is, dismissed without prejudice.
3. Plaintiff shall have until March 27, 2024 to pay the \$405.00 filing fee and file a motion to re-open the case.
4. The Clerk's office is directed not to accept a motion to re-open or any other document for filing in this case unless the full filing fee is paid.
5. I further certify, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

SO ORDERED.

/s/ James G. Carr  
Sr. U.S. District Judge